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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,812	10/15/2003	Koki Ishizaki	056203.52845US	1700

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EXAMINER

CLARK, SHEILA V

ART UNIT	PAPER NUMBER
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2815

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/684,812

Applicant(s)

ISHIZAKI ET AL.

Examiner

S. V. Clark

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 7-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10-15-03</u> . | 6) <input type="checkbox"/> Other: _____ |

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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

It is unclear where the specification teaches a "conductor constituted (make-up, formed of , composed of) by an insulating layer". The conductor in the specification and insulating layer appear to be taught as separate layers and not formed together or as a part of the other.

Claims 1-6, 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims contain areas that lack clarity. Examples below are applicable to claims having similar language.

In claim 1, lines 5-6, it is unclear what is meant by " sandwiching said resistor to be connected to said resistor" and the term " sandwiching" needs to be more clearly defined in the claim. A sandwich would comprise at least a layer between opposing layers or at least three layers. So it is unclear how one layer, a second conductor can sandwich one other layer, the resistor.

In claim 1, line 11, it is also unclear what is structurally characteristic of the " trimming portion". Is this a hole or groove? How is it interconnected with the other components or layers in the device?

In claim 1, line 12 it is unclear how the term " constituted" is used in this claim? It appears to recite that the first conductor is part of the insulating layer but also is unclear relative to what component is " constituted". The phrase " constituted by" appears in a

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dangling manner making it unclear what component it is attached to and how it is defined.

It is unclear where the insulated region is located relative to the other layers of the invention. Is this region part of the "insulator" in line 3 or another region.

The last three lines of claim 1 are unclear and generally confusing and claim 1 is generally unclear.

In claim 3, it is unclear what is meant by a "solid manner".

Claim 4 is written in a run on manner. It is unclear it is unclear if the "insulating region" is arranged between said first conductor or if the "insulator" is arranged between said first conductor.

Claim 5 is confusing. What is meant by "formed with reference to"?


Examples above are applicable to claims having similar language wherein many of the features recited in claims 11-15 are also generally confusing.

Claims 1-6, 11-15 are rejected.

The prior art references listed on the PTO-892 are cited to show devices having resistors having trimming portions.

Applicant's election without traverse of claims 1-6, 11-15 in the reply filed on 2-25-05 is acknowledged.

Any inquiry concerning this communication should be directed to S. V. Clark at telephone number (571) 272-1725.


S. V. Clark
Primary Examiner
Art Unit 2815

May 15, 2005